

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DR. RICHARD J. ANSSON, JR.,

Plaintiff,

v.

CLARK COUNTY, DEPARTMENT OF
AIR QUALITY AND
ENVIRONMENTAL MANAGMENT,

Defendant.

Case No. 2:10-CV-01863-KJD-RJJ

ORDER

Currently before the Court is Defendant Clark County's Motion to Dismiss (#6), filed March 7, 2011. On March 8, 2011, the Court issued a Klinge Order, that notified the Plaintiff of the necessity of responding to Defendant's dispositive Motion, and identified what Plaintiff must do to adequately oppose Defendant's Motion. Despite the Court's warning, to date, Plaintiff has failed to file points and authorities in opposition to Defendant's Motion as provided in Local Rule 7-2. Local Rule 7-2(d) allows the Court to consider failure to file points and authorities in opposition as consent to the granting of the motion.

Additionally, the Court has reviewed Defendant's Motion, and finds it to have merit. Defendants seek that the Court dismiss Plaintiff's action pursuant to Fed. R. Civ. P. 12(b)(6),

1 because a department of the municipal government may not be sued without statutory authorization
2 or a waiver of immunity. Here, Plaintiff has failed to demonstrate either.

3 Accordingly, **IT IS HEREBY ORDERED** that Defendant Clark County's Motion to
4 Dismiss (#6) is **GRANTED**, without prejudice.

5 DATED this 4th day of April 2011.

6 

7
8

Kent J. Dawson
United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26